



CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 3, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0259

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.140 - Bias-Free Policing, 5.140-POL-2 Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)

Named Employee #2

Allegation(s):		Director's Findings
# 1	5.140 - Bias-Free Policing, 5.140-POL-2 Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

The Complainant alleged that Named Employee #1 (NE#1) and Named Employee #2 (NE#2) ticketed and towed her vehicle based on bias against her socioeconomic status and because the previous owner had run-ins with the police.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the Office of Inspector General's (OIG's) review and approval, believed that it could issue recommended findings based solely on its intake investigation and without interviewing the involved employees. As such, OPA did not interview the involved employees.

On July 13, 2023, OIG certified OPA's investigation as thorough, timely, and objective. However, OIG noted "what appeared to be an unauthorized search on BWV." The only vehicle search OPA noted on BWV was conducted by NE#1 before it was impounded. NE#1 opened the vehicle's cabin doors, shined his flashlight inside, and moved items in the driver's seat. SPD Policy requires officers to conduct an inventory search of a vehicle before it is impounded. See SPD Policy 6.120-POL-6. To complete this, officers must "inspect and inventory items of value within the vehicle using the Uniform Washington State Tow/Impound and Inventory Record." *Id.* For a parking violation, the driver's and tow company's copies of the form are left with the vehicle. See SPD Policy 6.120-TSK-1. NE#1 had to search the vehicle to complete that task.



SUMMARY OF INVESTIGATION:

The Complainant filed online and emailed OPA complaints, raising multiple issues. OPA spoke with the Complainant on June 14, 2023. In summary, the Complainant said that, in an unrelated incident, she loaned her car to the wrong person, and it was impounded. She had to pay for her car's release. The person she loaned her car to repaid her by giving her a junk car (the Vehicle) that she could sell for scrap. The Vehicle was inoperable and parked in a private garage. The Complainant could not tow the Vehicle because of its location. The Complainant then described spending an entire day trying to get the Vehicle out of the garage.¹ Eventually, the Complainant moved the Vehicle out of the garage, parking it within thirty feet of a stop sign. The Complainant left and returned later to find that the Vehicle was towed. The Complainant said she was upset because she had often parked in that area without being ticketed.

OPA reviewed computer-aided dispatch (CAD) call reports, body-worn video (BWV), and a partially approved bias-review template.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.140 - Bias-Free Policing, 5.140-POL-2 Officers Will Not Engage in Bias-Based Policing

The Complainant alleged the named employees ticketed and impounded the Vehicle based on bias against her socioeconomic status and the criminal history of its previous owner.

Biased policing means “the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well other discernible personal characteristics of an individual.” SPD Policy 5.140-POL. It includes different treatments based on economic status and other discernible personal characteristics. See *id.* Officers are forbidden from making decisions or taking actions influenced by bias and expressing prejudice or derogatory comments concerning personal characteristics. See SPD Policy 5.140-POL-2.

OPA found no evidence of bias. Police were called to the scene, and the Vehicle was parked illegally, which the Complainant admitted. SCM 11.30.040 permitted the officers to impound the Vehicle without prior notice since it was (1) a “junk motor vehicle,” as defined SMC 11.14.268, parked on the street, (2) was likely to impede the normal flow of vehicular traffic, and/or (3) present a danger to public safety, as it was parked near a busy intersection. Moreover, OPA reviewed the named employees' BWV. OPA observed NE#2 completing paperwork for impounding the Vehicle. NE#1 explicitly stated he was towing the car because it was illegally parked. To the extent the named employees knew the Vehicle's prior owner had prior police contacts, that was not a protected class contemplated under the department's bias-free policing policy.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

Recommended Finding: **Not Sustained - Unfounded (Expedited)**

¹ The Complainant damaged her personal car using it to push the Vehicle.



Named Employee #2 - Allegation #1

5.140 - Bias-Free Policing, 5.140-POL-2 Officers Will Not Engage in Bias-Based Policing

For the reasons at Named Employee #1 - Allegation #1, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

Recommended Finding: **Not Sustained - Unfounded (Expedited)**